IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4818 of 2005

MAQBOOL HASAN
V/S
VIMALA DEVI & ORS.

Mr. MS PUROHIT, for the appellant / petitioner

Mr. OM MEHTA, for the respondent

Date of Order : 11.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Learned counsel relies upon the judgment of this Court in Phool Chand Vs. Dr.Gulab Chand reported in 1999 DNJ (Raj.) 771. Suffice it to say that in the present case, the parties were ad idem on the question of the suit being based on the ground of default covered by Section 13(1)(a) of the Rent Control Act. Determination of rent was made under Section 13(3) way-back on 5.9.95, that order has not been assailed further by the petitioner. Admittedly, the default in payment of rent on account of which defence has been struck off is for the period subsequent to the date of determination made under Section 13(3). In that view of the matter, I do not find any error in the impugned order. The writ petition is, therefore, dismissed summarily. The trial Court, however, is directed to expeditiously decide the main suit.

(N P GUPTA),J.

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